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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SPOTLIGHT TICKET
MANAGEMENT, INC. d/b/a
TICKETMANAGER,

Plaintiff,

v.

CONCIERGE LIVE LLC,
Defendant.

CONCIERGE LIVE LLC,
Counterclaimant.

v.

SPOTLIGHT TICKET
MANAGEMENT, INC. d/b/a
TICKETMANAGER,
Counterdefendant.

CASE No. 2:24-cv-00859-WLH-SSC

**CONCIERGE LIVE LLC'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION
TO PLAINTIFF'S MOTION TO
CONTINUE TRIAL AND EXTEND
CASE DEADLINES**

Date: August 22, 2025

Time: 1:30 p.m.

Crtrm: 9B

Judge: Hon. Wesley L. Hsu

Action Filed: January 31, 2024

Trial Date: March 9, 2026

Concierge Live LLC (“Concierge Live”) submits the following memorandum in opposition to Spotlight Ticket Management, Inc.’s (“Spotlight”) motion to Continue Trial and Extend Case Deadlines.

I. PRELIMINARY STATEMENT

Spotlight’s motion to extend case deadlines is not supported by good cause. Spotlight commenced this action nearly eighteen months ago, accusing Concierge Live of falsely promoting that its software was integrated with the Ticketmaster platform. Concierge Live answered, asserting that its platform is integrated with Ticketmaster, giving rise to a counterclaim against Spotlight. The factual issues in these claims were minimal, and most of the required factual discovery already is completed: Document exchange between the parties is essentially completed, with Concierge Live’s discovery confirming the most critical aspects:

- Concierge Live’s promotional communications with customers from 2021 to present state that Concierge Live provides “automated inventory uploads and mobile ticket transfers with all major ticketing platforms”;
- Past promotional communications with customers from 2019 to 2021 stated that Concierge Live provides “integration with major platforms (e.g., Ticketmaster, SeatGeek, etc.)”
- Concierge Live has had an actual Ticketmaster API integration since 2019;
- Ticketmaster’s senior management authorized the API integrations, and its agreements with Ticketmaster grant Concierge Live the right to use those APIs.

While Concierge Live certainly is sympathetic to the scheduling challenges that Spotlight’s lead counsel anticipates may arise due to his wife’s childbirth later this month, it is unclear how those potential issues may impact the fact discovery cut-off date. The above discovery was essentially completed by April 2025. Concierge Live also has already completed several depositions, has scheduled additional depositions for next week, and anticipates completing all remaining

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1 depositions by the deadline. Any remaining discovery can and should be completed
2 by the Order’s October 17, 2025 deadline.

3 Any scheduling challenges Spotlight anticipates facing in the next month are
4 largely due to its own inaction during the prior eight months. In that period it has
5 not sought a deposition, because, in its own words, “we have almost 7 months left
6 in discovery, so we fail to see the haste, particularly as document production is
7 ongoing.” When Concierge Live sought to compel production of additional
8 documents, Spotlight wrote to the Court complaining about Concierge Live’s
9 discovery requests, stating “Spotlight repeatedly warned Defendant’s counsel about
10 rushing discovery, ..., *particularly given that discovery does not close for 5*
11 *months.*” (Doc. 79-1) (emphasis in original). It is not surprising that Spotlight may
12 feel some pressure stemming from its prior lack of diligence.

13 Weighed against the lack of good cause is the ongoing cost and harm of this
14 litigation to Concierge Live. Spotlight continues advertising, falsely, that Spotlight
15 lacks a Ticketmaster integration. It bolsters that confusion by citing the lawsuit,
16 suggesting that it will prevail, and even that Ticketmaster might cut-off Concierge
17 Live’s integration. Delaying the resolution would further confuse the public, to
18 whom Spotlight continues marketing false and misleading claims. Concierge Live
19 therefore respectfully opposes Spotlight’s request for delay.

20 **II. BACKGROUND ON THE CLAIMS AND COUNTERCLAIMS**

21 Concierge Live and TicketManager developed competing software
22 technologies that allow clients to consolidate all of their ticket inventories in a single
23 application, through which they could automate their assignment of tickets to
24 attendees. They do so through integrations with the primary ticketing platforms on
25 which the clients have accounts.

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Spotlight disbelieved that Concierge Live had an integration with Ticketmaster, and in January 2024 it filed this action, alleging that Concierge Live's promotions from 2019 to 2021 of having "integration"¹ with Ticketmaster were false.

On September 3, 2024, the Court granted Concierge Live's motion to dismiss the First Amended Complaint. Concierge Live also moved to dismiss the Second Amended Complaint, and the parties stipulated to hold discovery in abeyance pending resolution of the second motion. [Doc. 62].

Before issuing its order, the Court directed the parties to proceed with discovery by a minute order issued on December 19, 2024. [Doc. 67]. Promptly thereafter, on December 22, Concierge Live proposed a rolling exchange of documents.

On January 21, 2025, Concierge Live again contacted Spotlight to address discovery.

With depositions starting in three weeks I'd really like to get a start on exchanging documents and interrogatory responses. Please let me know on the below and what times work for you.

(Declaration of Christoph Heisenberg dated August 1, 2025 ("Heisenberg Dec.") ¶18). Spotlight's counsel indicated that it would not provide document responses until January 31, 2025. Its initial production consisted of only two documents. Spotlight did not make its witnesses, Messrs. Johnson and Ansis, available for depositions, requiring Concierge Live to contact Spotlight's counsel again on March 13, 2025:

¹ Spotlight's complaints did not address Concierge Live's advertisements from 2021 to the present which do not reference "integration" but state that Concierge Live's application permitted "automated inventory uploads and mobile ticket transfers with all major ticketing platforms."

1 We have been pushing specific availability dates for Messrs.
2 Ansis and Johnson since noticing their depositions in January.
3 My March 4th email to your colleague, Mr. Pardo, continued to
4 seek the earliest new dates for their availability. I have received
5 no response. Please advise promptly so that we can avoid further
6 delay.

7 (Heisenberg Dec. ¶29). Spotlight's March 20, 2025 response acknowledged that it
8 was not producing the witnesses because it saw no need for haste:

9 Per your prior communication with Attorney Pardo, *we have*
10 *almost 7 months left in discovery, so we fail to see the haste,*
11 particularly as document production is ongoing. If you wish to
12 pursue depositions before receiving all responsive documents,
13 we will not agree to produce the witnesses more than once.

14 (Heisenberg Dec. ¶30). Through various additional delays caused by the
15 unavailability of Spotlight's witnesses and counsel, Spotlight did not produce those
16 witnesses until the end of April.

17 Spotlight's insistence on a slow discovery pace has repeated itself through the
18 discovery period. For example, in May the parties attempted to resolve a discovery
19 dispute regarding Spotlight's refusal to provide discovery into its own integrations
20 with other ticket platforms. Spotlight wrote to the Court on May 22, 2025, arguing
21 that Concierge Live was diligently pursuing discovery at an unnecessary pace
22 because there was plenty of time left in the discovery period:

23 While Spotlight tried its best to satisfy counsel's continuous
24 demands and provided documents on a rolling basis as quickly as
25 they could be reviewed, all-the-while counsel for Spotlight
26 repeatedly warned Defendant's counsel about rushing discovery,
27 and that an orderly production followed by depositions would
28 yield more meaningful results, ***particularly given that discovery does not close for 5 months.*** Defendant did not heed this
warning. (Doc. 79-1).

1 The parties have now completed most of the document discovery, with
2 Spotlight having produced more than 40,000 pages and Concierge Live having
3 produced more than 34,000 pages. Concierge Live has already taken depositions of
4 Spotlight's sales and promotional personnel, and on August 13 and 14th will take the
5 depositions of Spotlight's 30(b)(6) designated witnesses, along with its C.E.O.
6 Kenneth Hanscom. Concierge Live anticipates depositions of Spotlight's Chief
7 Executive Officer Mr. Knopp and Ticketmaster before the end of discovery in
8 October.

9 Spotlight has neither sought nor taken any depositions.

10 **III. ARGUMENT**

11 **A. Most Discovery Has Been Completed And Any Remaining Discovery Can** 12 **be Completed by the Deadline**

13 As detailed herein, most of the party document discovery has been completed.
14 This includes more than 74,000 pages produced by both sides on the core issues.
15 Along with the scheduled depositions, Concierge Live believes that discovery will
16 be completed by the October 17 deadline for fact discovery in the existing
17 scheduling order, and that no good cause exists for extending that date.

18 Spotlight's motion cites to several items that it contends justifies its requested
19 three-month extension. However, each open discovery item has existed since late
20 spring, and the delay in resolving these issues is due to Spotlight's own inaction.

21 *First*, Spotlight asserts that it served a series of subpoenas on Concierge Live
22 clients approximately two months ago, on May 7. It asserts that it will not receive
23 the majority of documents responsive to subpoenas until late July or early August
24 2025. Spotlight does not explain the delay in obtaining these documents, and it
25 appears that the delay is based on indefinite extensions to produce the documents.
26 Even if there are issues with the discovery, Spotlight's motion does not provide any
27 basis for believing these issues, if any, cannot be resolved before the October 17th
28 deadline (or that the availability of Mr. Pardo is necessary to resolve this issue).

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1 *Second*, as noted, Concierge Live has produced communications with
2 potential customers in promoting Concierge Live’s business. However, Spotlight’s
3 motion states that it also seeks customer support communications that may reflect
4 some “failure” in Concierge Live’s Ticketmaster integration. It sought these
5 documents in its April 23, 2025 demands, but Concierge Live objected because
6 Spotlight had not sufficiently identified the specific sorts of communications that it
7 believed would show such a “failure.” [Doc. 83-2, Page ID #:1121]. Despite an
8 offer to meet and confer to clarify the requests, Spotlight insisted on an overly-broad
9 proximity search. On June 17, 2025, Magistrate Judge Christensen rejected
10 Spotlight’s approach, and directed Spotlight to meet and confer and clarify its
11 requests. Spotlight has not further clarified the requests, even as Concierge Live has
12 repeatedly reminded Spotlight that it was willing to produce documents, but awaited
13 Spotlight’s more-specific subjects. Spotlight’s lack of diligence in resolving this
14 open discovery issue also does not warrant an extension.

15 *Third*, Spotlight asserts that until these additional document productions are
16 completed, it is not feasible for it to identify witnesses (many of which are
17 anticipated to be employees of third parties) to depose in this case. Concierge Live
18 is unclear on what inability Spotlight has, as Concierge Live has provided
19 documents showing the persons at Automatiq and Ticketmaster involved in securing
20 Ticketmaster’s authorization for the API integrations, and the persons at
21 Ticketmaster that approved the integrations. Those depositions are being scheduled
22 before the close of discovery. With respect to clients and potential customers,
23 Concierge Live has provided its sales communications with the clients, and
24 therefore the contact personnel at those third-party clients is also known.

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1 **B. The Timing of Expert Discovery Should Not Require An Adjustment to**
2 **the Existing Fact Discovery End Date**

3 Concierge Live agrees with Spotlight that the current scheduling order's dates
4 for expert disclosure could benefit from adjustment. The current scheduling order
5 provides that the expert discovery cutoff and the rebuttal expert deadline occur on
6 the same day, immediately after the fact discovery deadline. Concierge Live
7 respectfully submits that all, or at least many, of the claims and counterclaim may be
8 resolved on summary judgment. This would serve to refine, or possibly even
9 entirely eliminate, any issues that otherwise may warrant expert testimony.
10 Therefore, Concierge Live submits that the dates for expert disclosure and discovery
11 might be adjourned until after the summary judgment motion is resolved.

12 **IV. CONCLUSION**

13 Spotlight's motion fails to identify good cause for its request to extend
14 discovery. The delay in resolving these claims is causing prejudice and cost to
15 Concierge Live, and it respectfully requests that the motion be denied.

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17 DATED: August 1, 2025

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20 By: /s/ Eric J. Lorenzini
21 ERIC J. LORENZINI
22 Attorneys for Defendant Concierge Live
23 LLC
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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Concierge Live, LLC, certifies that the foregoing Memorandum of Points and Authorities in Opposition to Spotlight's Motion contains 1,849 words, which complies with the word limit of L.R. 11-6.1.

DATED: August 1, 2025

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